

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 189 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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MAHESH JAMANADAS JOISER

Versus

ISHWARLAL NATHALAL JOISER

Appearance:

MR MJ THAKORE for Petitioners

MR GS HARIBHAKTI for Respondent No. 1

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 07/07/97

ORAL JUDGEMENT

(COMMON JUDGMENT DELIVERED IN CRA NO. 459 OF 1992
IS TRANSFERRED HERE)

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 459 of 1992

with

APPEAL FROM ORDER No 184 of 1992

with

APPEAL FROM ORDER NO. 188 OF 1992

with

APPEAL FROM ORDER NO. 189 OF 1992

For Approval and Signature:

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

MAHESH JAMNADAS JOISER

Versus

ISHAWARLAL NATHALAL JOISAR

Appearance:

1. Civil Revision Application No. 459 of 1992

MR MJ THAKORE for Petitioners

MR MEHUL SHARAD SHAH for Respondents

2. Appeal from OrderNo 184, 188, 189 of 1992

MR MJ THAKORE for Petitioners

MR MEHUL SHARAD SHAH for Respondents

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 07/07/97

ORAL COMMON JUDGEMENT

1. Mr.S.M.Shah, who appears for respondents No. 1 to 3 who are the original plaintiffs in the proceeding being Civil Suit No. 26 of 1990 informs the court that parties to the present proceedings have settled the disputes outside the court and the suit instituted between the parties from which the present proceedings arise have become infructuous. As per his information, even the suit from which the proceedings arise is also withdrawn. He has also informed the court that even the cause title of the proceedings would show that the plaintiffs and the defendants belong to the same family and/or are closely related and wisdom has dawn upon them, which has resulted into settlement of the disputes between the parties. Thus, putting an end to the entire litigation between the parties and, therefore, the

present proceedings have become infructuous.

2. Mr. M.J. Thakore, learned counsel appearing for the petitioner and/or the appellants in the Civil Revision Application or in the Appeal From Orders, as the case may be, agrees to the aforesaid statement made by Mr. S.M. Shah except the terms of settlement between the parties are not known to him and he has no objection if the matters are disposed of as withdrawn since the disputes and/or differences between the parties are finally settled.

3. In aforesaid view of the matter, Rule in Civil Revision Application is discharged and Appeal From Orders are disposed of for want of prosecution on the ground that the disputes and/or differences between the parties are settled out side the court. There shall be no order as to costs in any of these proceedings.

4. In view of the Order passed in the Civil Revision Application as well as in the Appeal From Orders, no order on Civil Application Nos. 909 of 1992, 3649 of 1992 CA 927 of 1992, 3651 of 1992, 926 of 1992 and 3650 of 1992. Rule is discharged in each of the Civil Applications and if any interim relief is granted earlier shall stand vacated.

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